

Gregory Zimmer, Esq.

GZimmer@GZimmerLegal.com
O: (914) 402-5683
M: (516) 991-1116

December 16, 2022

VIA ECF

Honorable Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

I represent Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Dr. Michael M. Goldberg, M.D. ("Dr. Goldberg") in the above-referenced matter. I write jointly on behalf of counsel for all parties in response to the Court's Order dated November 9, 2022, as modified by the Court's Memo Endorsements of November 18, 2022 and November 28, 2022. As directed by the Court counsel for all parties have conferred regarding next steps in this matter.

The parties have engaged in settlement discussions and believe that a court appointed mediation may facilitate a resolution of this matter. If mediation is not successful the parties anticipate filing summary judgment motions as a next step in this matter. However, because the avoidance of future legal fees is a significant incentive to settle, the parties respectfully request that they be permitted to exhaust the mediation process before a summary judgment schedule is set. If no settlement is reached, the parties anticipate submitting immediately an agreed schedule for summary judgment briefing that will permit the parties approximately 30 days for affirmative briefing, 30 days to submit oppositions and 14 days to submit reply papers.

Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.

Gregory Zimmer, Esq.
142 New Chalet Drive
Mohegan Lake, NY 10547
(914) 402-5683
GZimmer@GZimmerLegal.com

Honorable Valerie Caproni, U.S.D.J.

November 23, 2022

Page 2

cc: Barry Kazan, Esq.

Karim Sabbidine, Esq.